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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/797,861 | 03/10/2004 | Paul E. Krajewski | GP-303276 | 3714 |

7590 12/04/2006

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EXAMINER

BONK, TERESA

ART UNIT PAPER NUMBER

3725

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/797,861 | Applicant(s) KRAJEWSKI, PAUL E. | |
| | Examiner Teresa M. Bonk | Art Unit 3725 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 24, 2006 has been entered.

The text of those sections of Title 35, U.S. Code not included in this action can be found in the Office Action, mailed June 23, 2006.

Claim Rejections - 35 USC § 103

2. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krajewski et al. (US Patent 6,038,911) in view of Biondich (US Patent 5,776,270). Krajewski et al. discloses a method of stamping (Column 3, lines 25-26) an article from a sheet material that is strain-hardened/ a magnesium containing, aluminum alloy of AA5xxx family (Column 3, lines 60-63; Column 4, line 49) having a punch (86) and a forming surface tool (88), Figure 6A. Krajewski et al. discloses the invention substantially as claimed except for the continuous sequence of operations.

Biondich discloses a method of deforming/stamping an aluminum workpiece of the 5xx series alloys comprising a continuous sequence of operations of stamping a blank of the sheet material into a perform shape (Column 7, lines 21-23); annealing at least the strain-hardened

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region of the perform by an annealing practice for re-softening the strain-hardened region (Column 3, lines 38-410; and stamping the annealed perform to the shape of the article (Column 3, lines 56-59), the duration of the annealing step being no more than fifteen seconds (Column 5, line 24); the stamping/annealing/stamping operations are performed in substantially equal duration (Column 8, lines 44-49), the article is cooled after the annealing step (Column 8, lines 55-57). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Krajewski et al's stamping step with Biondich's sequence steps because they are directed to a similar problem solving area of deforming/stamping an aluminum workpiece.

With regards to the lubricating step in claim 13, the examiner takes Official Notice that it is well known in metal deforming processes to lubricate during a continuous process sequence. Furthermore, this step is given no criticality in the specification, as stated on page 4, lines 9-12 and page 11, paragraph 0035.

Response to Arguments

3. Applicant's arguments filed August 24, 2006 have been fully considered but they are not persuasive.

The Krajewski reference reads on the invention as claimed. With regards to applicant's arguments on page 7, the applicant does not address specific claim limitations that the Krajewski reference allegedly lacks; therefore, the applicant's arguments are not on point.

In response to applicant's argument that there is no basis in either the Krajewski or Biondich references for combining their disclosures, the test for obviousness is not whether the

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features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). In the instant case it would have been obvious to perform an intermediate annealing in the Krajewski process, following the teaching of Biondich, in any instance in which the extent of the desired deformation is found to be such that fractures are likely to occur in the compressed corrugations in order to obtain a satisfactory product.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In the instant case one skilled in the art would clearly recognize that the intermediate annealing step taught by Biondich is applicable to other shaping environments other than the particular expansion contemplated in Biondich. Thus, no lack of conjunction is seen in the combination of the prior art teachings as set forth in the grounds of rejection.

With regards specifically to the applicant's argument that Biondich doesn't involve stamping, it is noted that the primary reference, Krajewski, discloses that metal deforming is preformed as a stamping process. The combination of the Krajewski or Biondich references is

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obvious because they are directed to a similar problem solving area of deforming/stamping an aluminum workpiece.

Conclusion

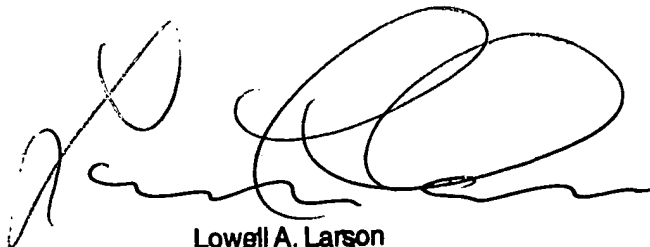
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Teresa M. Bonk whose telephone number is (571) 272-1901. The examiner can normally be reached on M-F 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lowell Larson can be reached on (571) 272-4519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Teresa M. Bonk
Examiner
Art Unit 3725



Lowell A. Larson
Primary Examiner